

REMARKS

Claims 1-7 are pending. Claims 1 and 2 are amended with this Amendment.

Claim 1 is amended to address the claim rejections as set forth in the Office Action.

Claim 2 is amended to correct a typographical error therein.

No new matter is added to the application by this Amendment. The language added to claim 1 finds support in FIGS. 1 and 4 of the present application, as originally filed.

Reconsideration of the application is respectfully requested.

I. Rejection Under 35 U.S.C. §112

Claims 1-7 were rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

Specifically, the Patent Office alleges that, in claim 1, it is not clear what is meant by the recitations “while contacting parts thereof” and “actuating mechanism is provided at a joint of the upper portion.”

Claim 1 has been amended to (1) remove the phrase "while contacting parts thereof being made of stainless steel" therefrom, and (2) replace the phrase “actuating mechanism is provided at a joint of the upper portion” with the phrase “actuating mechanism is provided at a joint between the upper portion and the lower portion” as illustrated in FIGS. 1 and 4 of the present application.

Applicants submit that amended claim 1 is definite and clear such that one of ordinary skill in the art may identify the subject matter which Applicants regard as their

invention

Thus, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §112, second paragraph.

II. Rejection Under 35 U.S.C. §102

Claims 1-7 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,279,458 to Sham et al. (hereinafter “Sham”). The rejection is respectfully traversed.

The Patent Office alleges that Sham discloses an actuating mechanism that is inherently provided at a joint of the upper portion. Applicants disagree.

Nowhere does Sham disclose a coffee maker having an upper portion and a lower portion which are movably connected to each other, and an actuating mechanism which is provided at a joint between the upper portion and the lower portion for allowing the upper portion to move up and down with respect to the lower portion as required by amended claim 1.

Although the Patent Office alleges that Sham discloses an actuating mechanism, the Patent Office fails to specifically identify which feature, if any, of the Sham coffee maker corresponds to the alleged actuating mechanism. At best, Sham discloses an automatic water level sensing system (within a water tank) with a float box, a lever and a micro-switch, which detects the level of water in the water tank and, when the water reaches a pre-selected level, activates or deactivates a water heater located within a water bladder (see col. 1, lines 10-30 of Sham). Sham also discloses that “when sufficient water is introduced into the water tank (4), and the level of water in the water tank (4) reaches a pre-selected level, the float box (5) is raised by buoyancy in the water, and the

lever (6) is thereby forced into engagement with the micro-switch (7)" and that "upon activation by the lever (6), the micro-switch (7) closes the electric circuit and allows electric power to flow to a heater (8)" (see col. 2, lines 61-65 of Sham).

Applicants submit that even if the automatic water level sensing system (with the float box) of Sham corresponds to the alleged actuating mechanism, the Sham automatic water level sensing system fails to teach or suggest the actuating mechanism specifically defined in claim 1. Sham's automatic water level sensing system does not teach or suggest the presently claimed actuating mechanism because the actuating mechanism recited in claim 1 is provided at a joint between the upper portion and the lower portion of the body of the coffee maker. In contrast, Sham's automatic water lever sensing system is a float box located in the water tank, and having a lever which cooperates with a micro-switch (see col. 2, lines 47-58 of Sham). The float box (having a lever and micro-switch) located in the water tank in accordance with Sham does not teach or suggest an actuating mechanism provided at a joint between the upper portion and the lower portion as required by claim 1.

Because these features of independent claim 1 are neither taught nor suggested by Sham, Sham cannot anticipate and would not have rendered obvious the features specifically defined in claim 1 and its dependent claims.

For at least these reasons, claims 1-7 are patentably distinct from and/or non-obvious in view of Sham. Reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. §102(b) are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in

condition for allowance. Favorable reconsideration and prompt allowance of claims 1-7 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

PETITION FOR A ONE-MONTH EXTENSION OF TIME

Applicants respectfully petition for a one-month extension of time in order to permit for the timely entry of this response. The Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263 with respect to this petition.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS MCCLAUGHLIN & MARCUS, P.A.

By



Brian C. Anscomb
Attorney for Applicants
Reg. No. 48,641
875 Third Avenue, 18th Floor
New York, NY 10022
Tel. 212-808-0700